

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOSEPH ANDERSON,

3:18-cv-00426-MMD-CLB

Plaintiff,

v.

**REPORT AND RECOMMENDATION**  
**OF U.S. MAGISTRATE JUDGE<sup>1</sup>**

JAMES DZURENDA, *et al.*,  
 Defendants.

On December 16, 2019, plaintiff filed a motion to correct the identification of defendant “Steve Ballentine” to “Steve Ballantyne” (ECF No. 129). In this motion, plaintiff is asking the court not only to correct the spelling of this defendant’s name, but to also allow an extension of time to serve this defendant. However, plaintiff has already filed numerous motions to serve defendant “Ballentine.” On August 16, 2019, the court denied plaintiff’s motion to process service on Steve Ballentine but granted plaintiff’s motion for an extension of time to complete service (See ECF No. 96). The court noted that no further extensions of time for service would be given, and the court would not order the USM or the AG to launch further investigation seeking his address. Plaintiff was given until November 18, 2019 to provide a more detailed address for defendant Ballentine, which he has failed to do. While there is no opposition to the present motion, the court finds that plaintiff has been given ample opportunities to effectuate service on defendant Ballentine but has failed to do so. Accordingly, the court recommends that plaintiff’s motion (ECF No. 129) be **DENIED** and defendant Steve Ballentine be **DISMISSED** for failure to properly effectuate service of process. See Fed.R.Civ.P. 4(m).

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<sup>1</sup> This Report and Recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4.

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2 **I. CONCLUSION**

3 Based upon the foregoing, the court recommends plaintiff's motion to correct  
4 (ECF No. 129) be denied and defendant Steve Ballentine be dismissed for failure to  
5 effectuate service of process. The parties are advised:

6 1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2 of the Local Rules of  
7 Practice, the parties may file specific written objections to this Report and  
8 Recommendation within fourteen days of receipt. These objections should be entitled  
9 "Objections to Magistrate Judge's Report and Recommendation" and should be  
10 accompanied by points and authorities for consideration by the District Court.

11 2. This Report and Recommendation is not an appealable order and any  
12 notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the  
13 District Court's judgment.

14 **II. RECOMMENDATION**

15 **IT IS THEREFORE RECOMMENDED** that plaintiff's motion to correct the  
16 identification of defendant Steve Ballantyne (ECF No. 129) be **DENIED**; and

17 **IT IS FURTHER RECOMMENDED** that defendant Steve Ballentine be  
18 **DISMISSED** for failure to properly effectuate service of process.

19 **DATED:** February 27, 2020.

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22 **UNITED STATES MAGISTRATE JUDGE**  
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